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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,225	04/23/2008	Laurent Barrelle	P-5710P2	5047

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David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Cohen Pontani Lieberman & Pavane)
1 Becton Drive, MC 110
Franklin Lakes, NJ 07417-1880

EXAMINER	
DOUKAS, MARIA E	

ART UNIT	PAPER NUMBER
3767	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,225	BARRELLE, LAURENT	
	Examiner	Art Unit	
	MARIA E. DOUKAS	3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

1. The disclosure is objected to because of the following informalities: Appropriate section headings are missing in the specification.

Appropriate correction is required.

Claim Objections

2. Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0156426 to Gagnieux (Gagnieux).

In Reference to Claim 1

Device (shield system 14) for protecting an injection apparatus (syringe 12) comprising: a support sleeve (holder 26) comprising a body (cylindrical body 34) able to accommodate the syringe and a proximal end part (Figures 1, 2); a protective sleeve (shield 28) able to slide with respect to the support sleeve between a retracted configuration in which the needle is exposed (Figure 3) and a deployed protective

position in which it covers the needle (Figure 4); first retaining means (rib 58; groove 48; distal end portion 50) for holding the protective sleeve in its injection position (paragraph [0040]); second retaining means (stop member 59; detents 52; arm 54) for holding the protective sleeve in its end-of-injection position (paragraph [0041]); an intermediate collar (fitting 32) situated in the proximal end part of the support sleeve (Figure 5), able to slide with respect to the support sleeve and comprising means of collaboration with the piston head (projections 70 from flange portion 67; paragraph [0035]) and means of deactivating the first and second retaining means (paragraphs [0040-0041]); the first retaining means being able to be deactivated by the deactivation means of the collar by pressure of the piston head in the distal direction (paragraph [0040]); and the second retaining means being able to be deactivated by deactivation means of the collar by release of pressure on the piston head so as to allow the protective sleeve to deploy under the action of pushing means (paragraphs [0040-0041]). The pushing means are in the form of a spring (spring 30), the proximal end bears against the distal end of the collar (fitting 32) and the distal end bears against the annular rim formed on the internal surface of the protective sleeve (Figure 2).

In Reference to Claim 2

The device of claim 1 (see rejection of claim 1 above) wherein the means of collaboration of the collar (fitting 32) with the piston head (projections 70 from flange portion 67) comprise two diametrically opposed legs running in the proximal direction

slightly offset from the body of the collar and connected to the proximal end of the collar by radial bridges (Figures 3, 5).

In Reference to Claim 3

The device of claim 1 or 2 (see rejection of claim 1 and 2 above) wherein the first retaining means (rib 58, groove 48, end portion 50) comprises two diametrically opposed longitudinal bulges (Figure 6) formed on the internal surface of the wall of the body of the support surface, each bulge at its proximal end comprising an internal retaining ramp and two first tabs running axially in the proximal direction from the proximal end of the protective sleeve (holder 26), each of the tabs being provided at its proximal end with a projection the distal face of which is inclined and able to rest on the internal ramp of the proximal end of one bulge (Figure 6 shows stop member 50 bulging out with two tabs between the groove 48 running axially in the proximal direction from the proximal end of the protective sleeve).

In Reference to Claim 4

The device of claim 3 (see rejection of claim 3 above) wherein the second retaining means (stop member 59, detents 52, arm 54) comprise a transverse retaining surface situated at the proximal end of each bulge (Figure 6; arms 54 are at the proximal end of the bulge) facing the internal ramp of the bulge and two second tabs (end surface 53) running in the proximal direction from the proximal end of the sleeve along an axis slightly inclined with respect to the longitudinal axis of the syringe (Figure 6), each

second tab being situated facing one said first tab (Figure 6; paragraph [0030]) and being equipped at its proximal end with a hooked portion (paragraph [0030]) the distal end of which is able to rest against the transverse retaining surface of the bulge facing it (Figure 7, wherein the arm 53 is capable of resting against the bulge of the stop member 50).

In Reference to Claim 5

The device of claim 4 (see rejection of claim 4 above) wherein the deactivation means are in the form of a surface (collar 66) projecting radially from the body (Figure 8), the said surface being able to collaborate with the first and second tabs to deflect them circumferentially (paragraphs [0040-0041]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,591,138 (Vaillancourt) teaches a movable sheath for a syringe. U.S. Patent No. 6,110,147 (Perouse) teaches a mobile needle protector.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA E. DOUKAS whose telephone number is (571)270-5901. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD
/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767